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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/480,826

01/10/2000

Charles S. Taylor

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4782

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LAW OFFICE OF ALAN W. CANNON
942 MESA OAK COURT
SUNNYVALE, CA 94086

EXAMINER

BUI, VY Q

ART UNIT

PAPER NUMBER

3773

MAIL DATE

DELIVERY MODE

01/22/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/480,826	Applicant(s) TAYLOR ET AL.	
	Examiner Vy Q. Bui	Art Unit 3773	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1- is/are pending in the application.
- 4a) Of the above claim(s) 4, 9-13, 19-23, 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8 and 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Election/Restrictions

Applicant's election without traverse of invention as shown in Fig. 33, species 15, claims 1-3, 5-8, 14-16 in the reply filed on 12/0/20/2008 is acknowledged.

Claim Rejections - 35 USC § 102/103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1-3, 5-8 and 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Jensen-3,572,326.

As to claim 1, Jensen-'326 (Fig. 1-2, 4) discloses frame member defined by elements 18 & 19 & 20 & 42 & 23 & 24 & 22 & elongate bar 33, 1st blade/arm 49 and 2nd opposed blade/arm 47 coupled to the frame member (elements 42 and 33), 2nd blade movable toward or away 1st blade along 1st lateral axis defined by arm 47, foot/shoe 48 adjustable in a vertical direction relative to the elongated bar 33 and transverse (crossing or not parallel) to the direction in which the blades extend, locking mechanism 56 (Fig. 1 and 4) for locking foot 48 to the elongated bar 33 in a selected position along the axis defined by elongated bar 33 and actuator 34/35 for moving the foot 48 and 2nd arm/blade 47 vertically with respect to 1st blade 49.

As to claim 2, 1st blade/arm 49 and 2nd opposed blade/arm 47 coupled to the elongated bar 33, and 2nd arm 47 movable with respect to bar 33 along 1st axis defined by arm 47.

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As to claim 3, 2nd blade 47 is rotatable about 2nd axis, which is transverse to 1st lateral axis defined by arm 47, and foot 48 is coupled to 2nd blade 47 so that foot 48 and 2nd blade 47 are rotatable together about the 2nd axis when element 34/35 is sliding along element 18/22.

As to claims 5 and 7-8, Jensen-'326 (Fig. 1-2, 4) discloses a frame defined by elements 18 & 19 & 20 & 42 & 23 & 24 & 22 & elongate bar 33, 1st blade/arm 49 coupled to frame element 42 and 2nd opposed blade/arm 47 coupled to the frame element 33, 2nd blade movable toward or away 1st blade along 1st lateral axis defined by arm 47, hexagonal head of arm 47 as an actuator for moving 2nd blade toward or away from 1st blade, foot 48 rotatably coupled to frame element 33 via coupling 56 and coupling 56 allows or locks a relative rotation between foot 48 and frame element 33 as recited in the claim.

As to claim 6, foot 48 is linearly movable to frame element 33 along an axis defined by arm 48.

As to claims 1-3 and 5-8, notice that 1st blade 49 and 2nd blade 47 each includes a curved section/arcuate throat and a tip section/elongated vane section. Alternatively, it would have been obvious to one of ordinary skill in the art to provide blades with vanes/extended tip sections as shown in Fig. 5-6 of Forder-4,344,420 as this configuration of a blade is well known.

As to claim 14, Jensen-'326 (Fig. 1-2, 4) discloses elongate member 33, 1st arm/blade 46, 2nd arm/blade combination 47 having hexagonal head disposed opposite to the blade as a drive member to drive said 2nd blade toward or from 1st blade, shoe 48 having element 55 with a support surface to engage a patient's chest, locking member 56 or 64 (Fig. 4) allowing or locking a rotation between 2nd blade and elongate member 33 substantially as recited in the claim.

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As to claim 15, second lock 56 (Fig. 4) of shoe 48 allowing or preventing linear movement between shoe 48 and elongate member 33 and 1st arm 46 and 2nd arms 47.

As to claim 16, shoe 48 is coupled to 2nd blade 47 via elongate member 33. A rotation of elongate 33 will rotate shoe 48 and 2nd blade 47 together.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vy Q. Bui whose telephone number is 571-272-4692. The examiner can normally be reached on Monday-Tuesday and Thursday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jackie Ho can be reached on 571-272-4696. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vy Q. Bui/
Primary Examiner, Art Unit 3773

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